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OFFICE OF PETITIONS

In re Application of
Suzy Charbit et al.
Application No. 09/768,816
Filed: January 23, 2001
Attorney Docket No. H7708-002
Title: TREATMENT OF PATHOLOGICAL
CONDITIONS CHARACTERIZED BY AN
INCREASED IL-1 LEVEL

DECISION GRANTING
PETITION UNDER 37 C.F.R. §1.137(b)

This is a decision on the petition filed on August 1, 2003, pursuant to 37 C.F.R. §1.137(b)¹, to revive the above-identified application.

The above-identified application became abandoned for failure to reply within the meaning of 37 C.F.R. §1.113 in a timely manner to the final Office action mailed December 4, 2002, which set a shortened statutory period for reply of three (3) months. On February 4, 2003, a response was received. On June 20, 2003, an advisory action was mailed, indicating that the response failed to place the application in condition for allowance. No further extensions of time were received. Accordingly, the above-identified application became abandoned on March 5, 2003. A Notice of Abandonment was mailed on July 16, 2003.

With the instant petition, petitioner has filed the petition fee, a Request for Continued

¹ A grantable petition pursuant to 37 CFR 1.137(b) must be accompanied by:

- (1) The reply required to the outstanding Office action or notice, unless previously filed;
- (2) The petition fee as set forth in § 1.17(m);
- (3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional, and;
- (4) Any terminal disclaimer (and fee as set forth in § 1.20(d)) required pursuant to paragraph (d) of this section.

Examination (RCE) under 37 C.F.R. §1.114, as well as the associated fee, and has made the proper statement of unintentional delay. The RCE has been accepted as the required reply under 37 C.F.R. §1.137(b)(1). The request for reconsideration, previously filed on February 4, 2003, shall serve as the required submission.

As such, the petition is **GRANTED**.

After this decision is mailed, the application will be forwarded to Technology Center 1600 for consideration of the submission under 37 C.F.R. §1.114, the previously filed request for reconsideration.

Telephone inquiries regarding this decision should be directed to the undersigned at (703) 305-0011.



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